

## JOURNAL OF THE HOUSE.

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Wednesday, April 4, 2007.

Met according to adjournment, at eleven o'clock A.M., with Mr. Petrolati of Ludlow in the Chair (having been appointed by the Speaker, under authority conferred by Rule 5, to perform the duties of the Chair).

Prayer was offered by the Reverend Robert F. Quinn, C.S.P., Chaplain of the House, as follows:

God, Our Creator, we place our trust in You and believe that You have a personal interest in our total well being, material and spiritual. This week, the Jewish Community and the Christian Community have been and are observing and remembering special historical religious events which have significant and personal meaning for both communities. Holy Week is a time for reflection, prayer and hope for the future. Easter Sunday is also a family day on which family ties are strengthened and renewed. We pray that the religious spirit of Easter Sunday and Passover will fill our hearts and minds with peace, happiness, fulfillment and thanks at all times.

Prayer.

Grant Your blessings to the Speaker, the members and employees of this House and their families. Amen.

At the request of the Chair (Mr. Petrolati), the members, guests and employees joined with him in reciting the pledge of allegiance to the flag.

Pledge of  
allegiance.

### *Message from the Governor.*

A message from His Excellency the Governor (under the provisions of Section 8 of Article LXXXIX of the Amendments to the Constitution) recommending legislation relative to validating the actions taken at an annual town election held in the town of Dudley (House, No. 3971) was filed in the office of the Clerk on Tuesday, April 3.

Dudley,  
annual  
election.

The message was read; and it was referred, under Rule 30, with the accompanying draft of a bill, to the committee on Election Laws. Sent to the Senate for concurrence.

### *Guests of the House.*

During the session, the Chair (Mr. Petrolati of Ludlow) declared a brief recess and introduced the Hanover High School VOX Chorus, under the direction of Allison Greer. The chorus, recently awarded the Gold Medal at the Massachusetts Instrumental and Choral Conductors Association Festival, then performed the "Star Spangled Banner". They were the guests of Representative Nyman of Hanover, Tobin of Quincy and Ayers of Quincy.

Hanover  
High School  
VOX  
Chorus.

During the session, the Chair (Mr. Petrolati of Ludlow) declared a brief recess and introduced Luther McIlwain from Methuen, a former member of the Tuskegee Airmen, a group of African-American World War II pilots. Mr. McIlwain, who was recently awarded the

Luther  
McIlwain.

Congressional Gold Medal at our nation's capital, then addressed the House briefly. He was the guest of Representative Campbell of Methuen.

#### *Resolutions.*

The following resolutions (filed with the Clerk) were referred, under Rule 85, to the committee on Rules:

Taiwan.

Resolutions (filed by Mr. Bosley of North Adams and other members of the House) commending Taiwan on its contributions to promote world health;

Mahar Fish n  
Game Club.

Resolutions (filed by Representatives Donelan of Orange, Gobi of Spencer, Hargraves of Groton and Kulik of Worthington) in recognition of the fiftieth anniversary of the Mahar Fish 'n Game Club;

Steve  
Early.

Resolutions (filed by Mr. Marzilli of Arlington) congratulating Steve Early on his thirty years of service with the Communications Workers of America;

George  
MacDonald.

Resolutions (filed by Mr. Turner of Dennis) congratulations to George MacDonald on the occasion of his retirement; and

Child Care  
Resource  
Center.

Resolutions (filed by Ms. Wolf of Cambridge) congratulating the Child Care Resource Center on the occasion of its thirty-fifth anniversary;

Mr. Scaccia of Boston, for the committee on Rules, reported, in each instance, that the resolutions ought to be adopted. Under suspension of the rules, in each instance, on motion of Mr. Donato of Medford, the resolutions (reported by the committee on Bills in the Third Reading to be correctly drawn) were considered forthwith; and they were adopted.

#### *Petitions.*

Woburn,  
elections.

Mr. Kaufman of Lexington presented a petition (accompanied by bill, House, No. 3973) of Jay R. Kaufman and Patrick M. Natalie (with the approval of the mayor and city council) relative to certain preliminary elections in the city of Woburn; and the same was referred to the committee on Election Laws. Sent to the Senate for concurrence.

New Bedford,  
housing.

Mr. Cabral of New Bedford presented a petition (subject to Joint Rule 12) of Antonio F. D. Cabral and Mark C. Montigny (with the approval of the mayor and city council) for legislation to authorize the city of New Bedford to adopt regulations for the protection and control of public housing in said city; and the same was referred, under Rule 24, to the committee on Rules.

Mr. Scaccia of Boston, for the committee on Rules and the committees on Rules of the two branches, acting concurrently, then reported recommending that Joint Rule 12 be suspended. Under suspension of the rules, on motion of Mr. Rushing of Boston, the report was considered forthwith. Joint Rule 12 was suspended; and the petition (accompanied by bill) was referred to the committee on Housing. Sent to the Senate for concurrence.

New Bedford,  
bicycles and  
scooters.

Mr. Cabral of New Bedford presented a petition (subject to Joint Rule 12) of Antonio F. D. Cabral and Mark C. Montigny (with the

approval of the mayor and city council) that the city of New Bedford be authorized to adopt regulations for the operation of motorized bicycles and scooters on public ways within said city; and the same was referred, under Rule 24, to the committee on Rules.

Mr. Scaccia of Boston, for the committee on Rules and the committees on Rules of the two branches, acting concurrently, then reported recommending that Joint Rule 12 be suspended. Under suspension of the rules, on motion of Mr. Rushing of Boston, the report was considered forthwith. Joint Rule 12 was suspended; and the petition (accompanied by bill) was referred to the committee on Transportation. Sent to the Senate for concurrence.

Mr. Fallon of Malden presented a petition (subject to Joint Rule 12) of Christopher G. Fallon for legislation to require certain courses on religion to be taught in the public high schools in the Commonwealth; and the same was referred, under Rule 24, to the committee on Rules.

Schools,  
religious  
subjects.

Mr. Scaccia of Boston, for the committee on Rules and the committees on Rules of the two branches, acting concurrently, then reported recommending that Joint Rule 12 be suspended. Under suspension of the rules, on motion of Mr. Rushing of Boston, the report was considered forthwith. Joint Rule 12 was suspended; and the petition (accompanied by bill) was referred to the committee on Education. Sent to the Senate for concurrence.

#### *Paper from the Senate.*

A petition (accompanied by bill, Senate, No. 0000) of Frederick E. Berry for legislation to establish a sick leave bank for Yaniris Cabera, an employee of the Trial Court, was referred, in concurrence, to the committee on the Judiciary.

Yaniris  
Cabera,  
sick leave.

#### *Reports of Committees.*

By Mr. Scaccia of Boston, for the committee on Rules and the committees on Rules of the two branches, acting concurrently, that Joint Rule 12 be suspended on the petition of Daniel E. Bosley for legislation to authorize Graham-Michael Frank of the town of Williamstown to take a civil service examination for the position of police officer. Under suspension of the rules, on motion of Mr. Rushing of Boston, the report was considered forthwith. Joint Rule 12 was suspended; and the petition (accompanied by bill) was referred to the committee on Public Service. Sent to the Senate for concurrence.

Williamstown,  
Graham-  
Michael  
Frank.

By Mr. Cabral of New Bedford, for the committee on State Administration and Regulatory Oversight, on Senate, No. 1846 and House, No. 3967, a Bill amending the Governor's Reorganization Plan 1 of 2007 (House, No. 3967, changed by inserting after section 2 the following section:

Reorganization  
Plan 1,  
amendment.

"Section 1A. Section 56 of chapter 6 of the General Laws, as appearing in the 2004 official edition, is hereby further amended by striking out lines 26 and 27 and inserting in place thereof the following sentence:— There shall be regional offices in the cities of New Bedford, Springfield and Worcester." Read; and referred, under Rule 7A, to the committee on Steering, Policy and Scheduling.

Reorganization  
Plan 1,  
amendment.

Mr. Donato of Medford, for said committee, reported that the matter be scheduled for consideration by the House.

Under suspension of the rules, on motion of the same member, the bill was read a second time forthwith; and it was ordered to a third reading.

Subsequently, under further suspension of the rules, on motion of Mr. Rushing of Boston, the bill (having been reported by the committee on Bills in the Third Reading to be correctly drawn) was read a third time; and it was passed to be engrossed, its title having been changed by said committee to read: "An Act further regulating the Massachusetts Commission Against Discrimination.". Sent to the Senate for concurrence.

Joint  
libraries.

By Mr. Turkington of Falmouth, for the committee on Tourism, Arts and Cultural Development, on a petition, a Bill relative to joint public libraries (House, No. 3401). Read; and referred, under Rule 7A, to the committee on Steering, Policy and Scheduling.

#### Resolutions.

Local Aid,  
resolutions  
of intent.

Resolutions (filed with the Clerk by Mr. DeLeo of Winthrop) providing for a declaration of the intent of the House of Representatives relative to the amount and distribution of Local Aid to the Commonwealth's cities, towns and regional school districts for fiscal year 2008 (House, No. 3972), were referred, under Rule 85, to the committee on Rules.

Mr. Scaccia of Boston, for said committee, then reported that the resolutions ought to be adopted. Referred, under Rule 7A, to the committee on Steering, Policy and Scheduling.

Mr. Donato of Medford, for said committee, reported that the matter be scheduled for consideration by the House.

Under suspension of the rules, on motion of Mr. DeLeo of Winthrop, the resolutions (reported by the committee on Bills in the Third Reading to be correctly drawn) were considered forthwith.

Recess.

Pending the question on adoption of the resolutions, at nine minutes after eleven o'clock A.M., on motion of Mr. Donato (Mr. Petrolati of Ludlow being in the Chair), the House recessed until half past twelve o'clock noon; and at seventeen minutes before one o'clock P.M. the House was called to order with Mr. Petrolati in the Chair.

Quorum.

Pending the question on adoption of the resolutions, Mr. Donelan of Orange asked for a count of the House to ascertain if a quorum was present. The Chair (Mr. Petrolati), having determined that a quorum was not in attendance, then directed the Sergeant-at-Arms to secure the presence of a quorum.

Quorum,  
yea and nay  
No. 31.

Subsequently a roll call was taken for the purpose of ascertaining the presence of a quorum; and on the roll call 149 members were recorded as being in attendance.

#### [See Yea and Nay No. 31 in Supplement.]

Therefore a quorum was present.

Quorum.

Subsequently Mr. Jones of North Reading asked for a count of the House to ascertain if a quorum was present. The Chair (Mr. Petrolati), having determined that a quorum was not in attendance, then directed the Sergeant-at-Arms to secure the presence of a quorum.

Subsequently a roll call was taken for the purpose of ascertaining the presence of a quorum; and on the roll call 151 members were recorded as being in attendance.

Quorum,  
yea and nay  
No. 32.

#### [See Yea and Nay No. 32 in Supplement.]

Therefore a quorum was present.

After debate on the question on adoption of the resolutions, Mr. Jones of North Reading and other members of the House moved to amend them by adding at the end thereof the following: "provided that it is the intent of the House of Representatives that no school district shall receive less funding than appropriated in House Bill 1".

After debate on the question on adoption of the amendment, the sense of the House was taken by yeas and nays, at the request of Mr. Peterson of Grafton; and on the roll call 24 members voted in the affirmative and 132 in the negative.

Amendment  
rejected,  
yea and nay  
No. 33.

#### [See Yea and Nay No. 33 in Supplement.]

Therefore the amendment was *rejected*.

Mr. Jones of North Reading and other members of the House then moved to amend the resolutions by adding at the end thereof the following: "and be it further resolved that it is the intent of the House of Representatives that no material alternations to chapter 70 shall be made without a public hearing being held no less than forty-eight hours prior to the consideration of any matter containing such changes by the House".

After debate on the question on adoption of the amendment, the sense of the House was taken by yeas and nays, at the request of Mr. Jones; and on the roll call 19 members voted in the affirmative and 137 in the negative.

Amendment  
rejected,  
yea and nay  
No. 34.

#### [See Yea and Nay No. 34 in Supplement.]

Therefore the amendment was *rejected*.

Mr. Jones of North Reading and other members of the House then moved to amend the resolutions by adding at the end thereof the following: "Resolved, That, by March 15th of each calendar year, the House of Representatives shall adopt a resolution relative to the amount and distribution of local aid to the cities, towns and regional school districts of the commonwealth.".

After remarks on the question on adoption of the amendment, the sense of the House was taken by yeas and nays, at the request of Ms. Rogeness of Longmeadow; and on the roll call 23 members voted in the affirmative and 133 in the negative.

Amendment  
rejected,  
yea and nay  
No. 35.

#### [See Yea and Nay No. 35 in Supplement.]

Therefore the amendment was *rejected*.

Mr. Jones of North Reading and other members of the House then moved to amend the resolutions by adding at the end thereof the following: "Resolved, That notwithstanding any general or special law to the contrary, in the event taxable revenue available for appropriation or supplemental appropriation for fiscal year 2008 exceeds \$19,879,000,000, in the absence of any changes in statute relating to taxation enacted after January 15, 2007, it is the intent of the House of Representatives that the treasurer be directed to make fifty percent of such excess taxable revenue, up to \$200,000,000, available for distribution to the cities, towns and regional school districts of the commonwealth ratably according to the foundation enrollment of each such

Amendment  
rejected,  
yea and nay  
No. 35.

district, as defined in Chapter 70 of the General Laws; provided, that in the event of such direction, it is the intent of the House of Representatives that the treasurer be further directed to notify the house and senate chairs of the committee on ways and means, the house and senate chairs of the joint committee on education, the commissioner of education, the commissioner of revenue and the commissioner of administration of any distribution which is made according to this section not less than 30 days prior to the date such distribution is planned.”.

Amendment  
rejected,  
yea and nay  
No. 36.

After remarks on the question on adoption of the amendment, the sense of the House was taken by yeas and nays, at the request of Mr. Peterson of Grafton; and on the roll call 20 members voted in the affirmative and 135 in the negative.

**[See Yea and Nay No. 36 in Supplement.]**

Therefore the amendment was *rejected*.

Mr. Jones of North Reading and other members of the House then moved to amend the resolutions by adding at the end thereof the following: “and be it further resolved that it is the intent of the House of Representatives that, by the fiscal year ending June 30, 2012, not less than forty per cent of all revenues received by the commonwealth in each fiscal year from the sales tax, the corporate excise tax and the personal income tax shall be distributed to cities and towns as local aid through programs including but not limited to Chapter 70 educational funding, lottery aid and additional assistance.”.

Amendment  
rejected,  
yea and nay  
No. 37.

After remarks on the question on adoption of the amendment, the sense of the House was taken by yeas and nays, at the request of Mr. Jones of North Reading; and on the roll call 19 members voted in the affirmative and 134 in the negative.

**[See Yea and Nay No. 37 in Supplement.]**

Therefore the amendment was *rejected*.

Mr. Jones of North Reading and other members of the House then moved to amend the resolutions by adding at the end thereof the following paragraph:

*Resolved*, That notwithstanding any general or special law to the contrary, in the event taxable revenue available for appropriation or supplemental appropriation for fiscal year 2008 exceeds \$19,879,000,000, in the absence of any changes in statute relating to taxation enacted after January 15, 2007, it is the intent of the House of Representatives that the treasurer be directed to make fifty percent of such excess taxable revenue, up to \$200,000,000, available for distribution to the cities, towns and regional school district of the commonwealth as a one-time supplemental local aid payment prior to the end of such fiscal year; provided, that in the event of such a distribution, it is the intent of the House of representatives that such excess revenue shall be distributed first to those cities, towns and regional school districts for whom the distribution of chapter 70 school funding in the general Appropriation Act for the fiscal year ending on June 30, 2008 is less than the amount of Chapter 70 funding for such city, town or district recommended by the Governor in House Bill, no. 1, so as to bring such districts up to those levels recommended in House Bill, No. 1; and provided further, that in the event of such direction, it is the intent of the House of Representatives that the treasurer be further

directed to notify the house and senate chairs of the committee on ways and means, the house and senate chairs of the joint committee on education, the commission of education, the commissioner of revenue and the commissioner of administration of any distribution which is made according to this section not less than 30 days prior to the date such distribution is planned”.

After remarks on the question on adoption of the amendment, the sense of the House was taken by yeas and nays, at the request of Mr. Jones of North Reading; and on the roll call 19 members voted in the affirmative and 135 in the negative.

Amendment  
rejected,  
yea and nay  
No. 38.

**[See Yea and Nay No. 38 in Supplement.]**

Therefore the amendment was *rejected*.

After debate on the question on adoption of the resolutions, the sense of the House was taken by yeas and nays, at the request of Mr. Peterson of Grafton; and on the roll call (Mrs. Harkins of Needham being in the Chair) 149 members voted in the affirmative and 6 in the negative.

Resolutions  
adopted,  
yea and nay  
No. 39.

**[See Yea and Nay No. 39 in Supplement.]**

Therefore the resolutions (House, No. 3972) were adopted.

*Orders of the Day.*

House bills

Establishing a sick leave bank for Frances Berghaus an employee of the Department of Correction (House, No. 3758); and

Second  
reading  
bills.

Establishing a sick bank for a certain employee of the Department of Fish and Game (House, No. 3940);

Several were read a second time; and they were ordered to a third reading.

*Order.*

On motion of Mr. DiMasi of Boston,—

*Ordered*, That when the House adjourns today, it adjourn to meet tomorrow at one o'clock P.M.

Next  
sitting.

Accordingly, without further consideration of the remaining matters in the Orders of the Day, at three minutes before four o'clock P.M., on motion of Mr. Scaccia of Boston (Mrs. Harkins of Needham being in the Chair), the House adjourned, to meet tomorrow at one o'clock P.M., in an Informal Session.